



APPLICATION ACCEPTED: May 3, 2012
PLANNING COMMISSION: September 20, 2012
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

September 6, 2012

STAFF REPORT

APPLICATION SE 2012-PR-007

PROVIDENCE DISTRICT

APPLICANT: Sterling Jewelers, Inc. dba Jared the Galleria of Jewelry

ZONING: C-5, SC, and HC

PARCEL: 39-2 ((2)) 52

LOCATION: 8113 Leesburg Pike

SITE ACREAGE: 19,507 square feet (0.45 acres)

PLAN MAP: Retail and Other Commercial Uses

SE CATEGORY: Category 6 – Waiver of Certain Sign Regulations

PROPOSAL: To increase the amount of building-mounted sign area in a Sign Control Overlay District

STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2012-PR-007, subject to the proposed development conditions listed in Appendix 1.

Staff recommends approval of a reaffirmation of the waiver for frontage improvements and dedication of right-of-way along Leesburg Pike, in favor of that shown on the SE Plat.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors

Nick Rogers, AICP

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

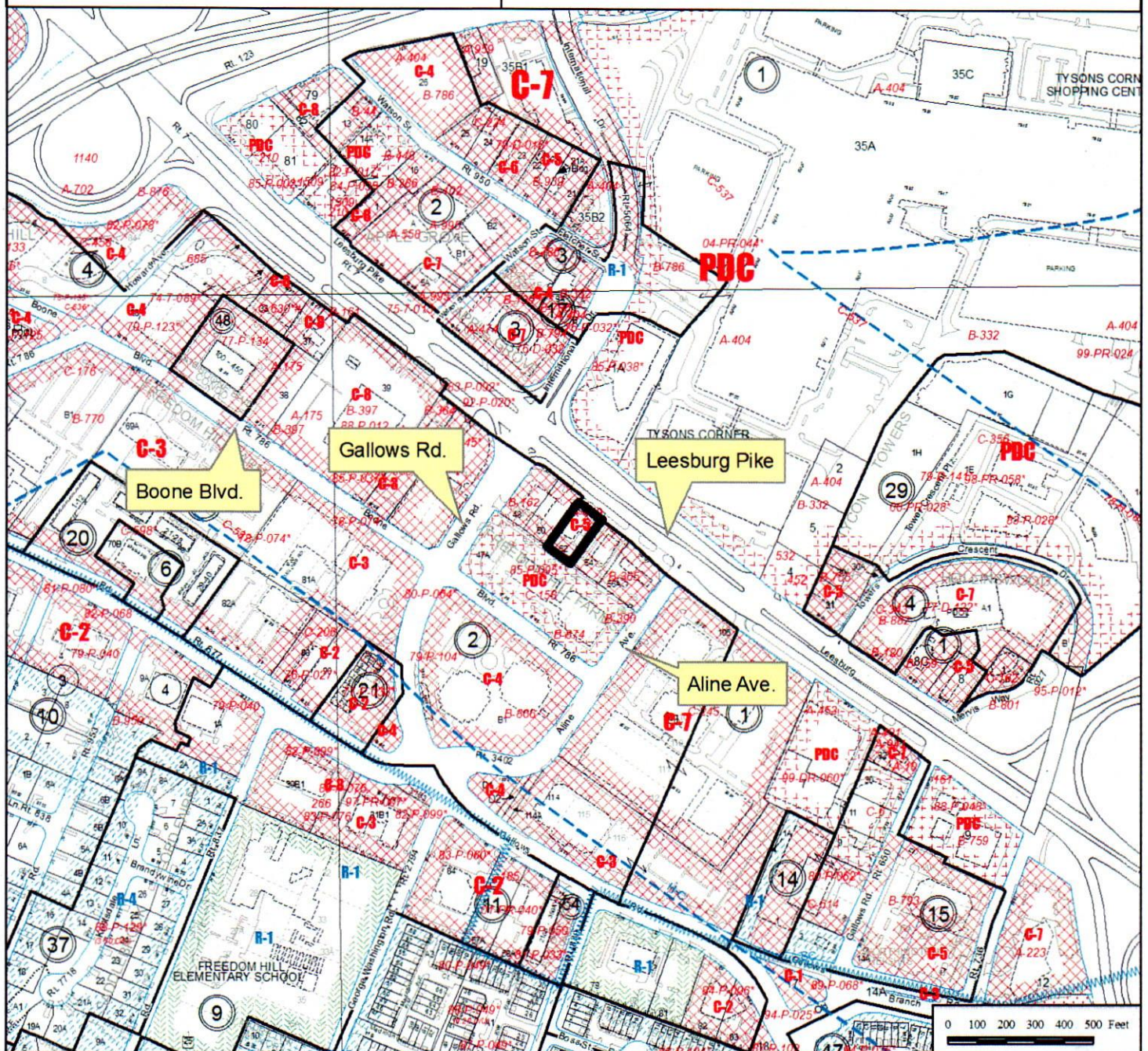


Special Exception

SE 2012-PR-007



Applicant: STERLING JEWELERS, INC. DBA JARED THE GALLERIA OF JEWELRY
Accepted: 05/03/2012
Proposed: WAIVER OF CERTAIN SIGN REGULATIONS
Area: 19,507 SF OF LAND; DISTRICT - PROVIDENCE; ZIP - 22182
Zoning Dist Sect: 09-0620
Art 9 Group and Use: 6-17
Located: 8113 LEESBURG PIKE, VIENNA, VA 22182
Zoning: C- 5
Plan Area: 2
Overlay Dist: SC, HC
Map Ref Num: 039-2- /02/ /0052

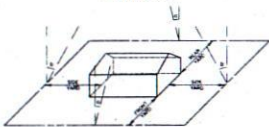


SPECIAL EXCEPTION PLAT

JARED AT TYSONS CORNER

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

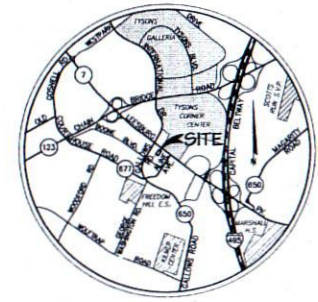
MINIMUM REQUIRED YARD FOR BUILDING WITH 28.75' HEIGHT
COMMERCIAL



FRONT YARD : 45' WITH A BUILDING HEIGHT OF 28.75' THE FRONT YARD = 45.0'
BUT NOT LESS THAN 45'
SIDE YARD : 0' WITH A BUILDING HEIGHT OF 28.75' THE SIDE YARD = 0.0'
BUT NOT LESS THAN 0'
REAR YARD : 20' WITH A BUILDING HEIGHT OF 28.75' THE REAR YARD = 20.0'
BUT NOT LESS THAN 20'

NOTES

1. THE PROPERTY DELINEATED ON THIS PLAN IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP NUMBER 39-2(2)52. THE SITE IS CURRENTLY ZONED C-5. THE SUBJECT PARCEL LIES WITHIN THE HIGHWAY CORRIDOR (H-C) AND SIGN CONTROL (SC) OVERLAY DISTRICTS.
2. THE PROPERTY HEREON IS CURRENTLY IN THE OWNERSHIP OF M.F.C. II, L.L.C. IN DEED BOOK 12296 AT PAGE 1857 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
3. BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM APPROVED SITE PLAN #8201-SF-002. CONTOUR INTERVAL EQUALS TWO FEET NAD 1929.
4. THE PROPERTY LIES IN FLOOD ZONE "X", AN AREA DETERMINED TO BE OUTSIDE A 500-YEAR FLOODPLAIN, AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 515525 0100 G, DATED MARCH 5, 1990. NO FLOODPLAIN OR DRAINAGE STUDIES ARE REQUIRED FOR THIS PROJECT.
5. THERE ARE NO RESOURCE PROTECTION AREAS (NPRA) OR ENVIRONMENTAL QUALITY CORRIDORS (EQCA) ON THIS SITE. A WATER QUALITY IMPACT ASSESSMENT WILL NOT BE REQUIRED.
6. TO THE BEST OF OUR KNOWLEDGE, THE SITE HAS NO SCENIC ASSETS OR NATURAL FEATURES DESERVING OF PROTECTION AND PRESERVATION.
7. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN GRAVES, OBJECTS, OR STRUCTURES MARKING A PLACE OF BURIAL.
8. THE EXISTING BUILDING, CONSTRUCTED IN 2000, IS TO REMAIN.
9. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF 25 FEET OR GREATER, NOR ANY MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED WITHIN THE SITE.
10. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 118.4, 302.4, AND 355; ALL HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VR 672-10-1 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS, AND/OR PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280, TO BE GENERATED, UTILIZED, STORED, TREATED, AND/OR DISPOSED OF ON-SITE AND THE SIZE AND CONTENTS OF ANY EXISTING OR PROPOSED STORAGE TANKS OR CONTAINERS.
11. THE PROPERTY IS SUBJECT TO A STORMWATER MANAGEMENT AGREEMENT AS RECORDED IN DEED BOOK 11594 AT PAGE 1818.
12. WATER AND SANITARY SERVICE ARE PROVIDED BY EXISTING MAINS IN LEESBURG PIKE.
13. ARCHITECTURAL SKETCHES ARE NOT AVAILABLE AT THIS TIME.
14. THERE IS AN EXISTING 8 FOOT ASPHALT TRAIL ALONG LEESBURG PIKE.
15. THIS SPECIAL EXCEPTION PLAT IS FOR ADDITIONAL SIGNAGE, THERE IS NO LAND DISTURBANCE OR DEVELOPMENT PROPOSED. STORMWATER MANAGEMENT, BMPs, AND OUTFALL ANALYSIS ARE NOT REQUIRED FOR THIS SPECIAL EXCEPTION. A TREE PRESERVATION PLAN IS NOT REQUIRED.



VICINITY MAP
SCALE : 1" = 2000'

SITE TABULATIONS

	LOT 52	22.2846 (0.512 Ac)
		C-5 ZONE
	REQUIRED	EXISTING PER APPROVED SITE PLAN #8201-SF-002
FLOOR AREA	---	5,495.0 (GROSS) 4,333.0 (NET)
FLOOR AREA RATIO	0.30	0.246
MINIMUM LOT AREA	40,000.0	22,284.6
MINIMUM LOT WIDTH	200'	100'
MAXIMUM BUILDING HEIGHT	40'	28.75'
MINIMUM YARDS :		
FRONT	45'/40'	45'/40'
SIDE	N/A	N/A
REAR	20'	20'
LANDSCAPED OPEN SPACE	20%	21.7%
PARKING		
1 sq/2000 NFA for 1st 1,000 sq	25 SPACES	25 SPACES
+ 6 sq/1,000 sq NFA thereafter		



APPLICANT
RUGGLES SIGN COMPANY
308 CROSSFIELD DRIVE
VERMILION, KY 40383
(606) 879-1199

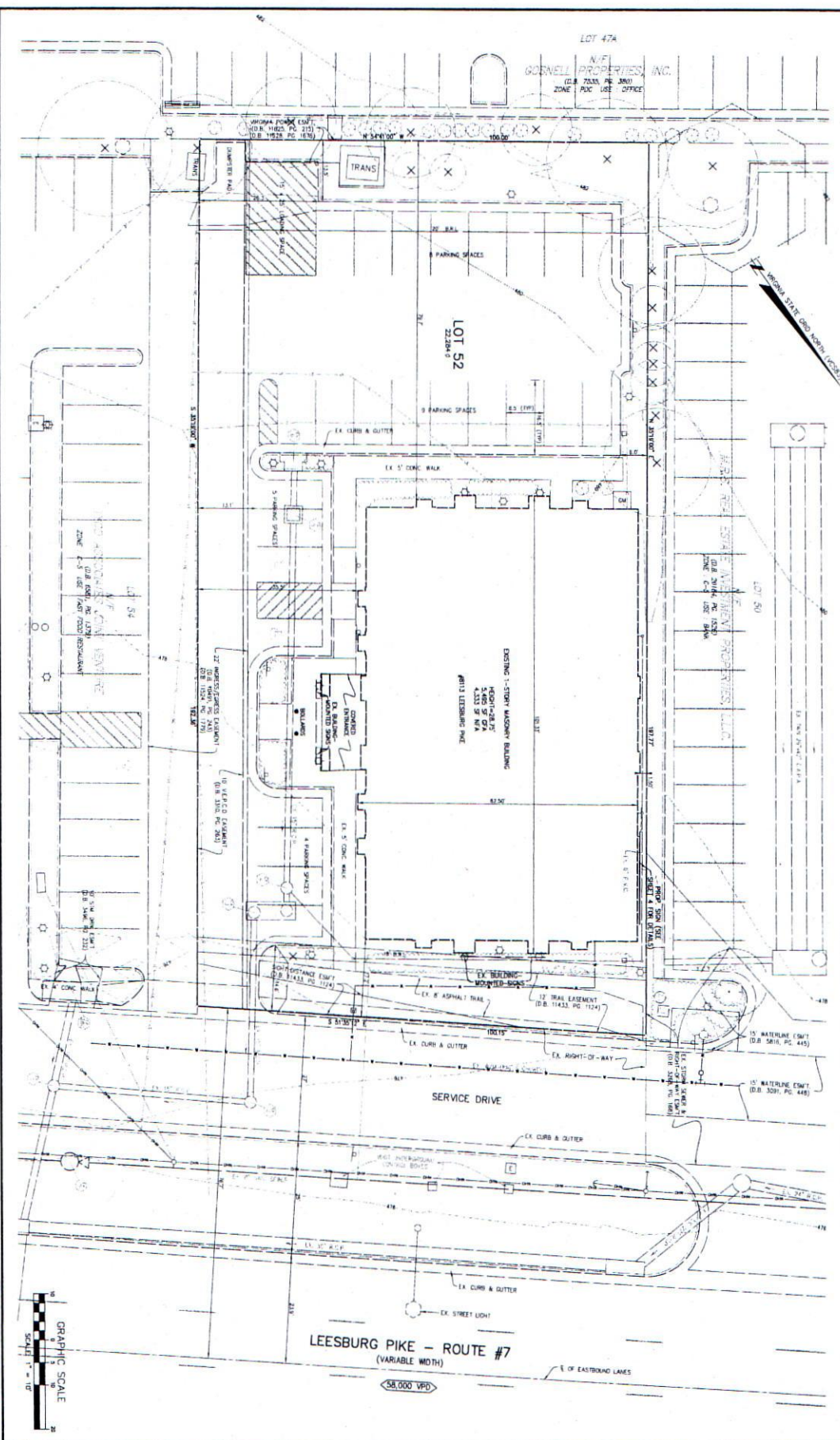
TABLE OF CONTENTS
1. COVER SHEET
2. SPECIAL EXCEPTION PLAT
3. EXISTING VEGETATION MAP
4. SIGN DETAILS

CPI Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
10000 Rte. 28, Suite 200, Manassas, VA 20108 • (703) 444-7500 • Fax: (703) 444-7600
www.cpi-inc.com • Silver Spring, MD • Germantown, MD • Rockville, MD • Fairfax, VA

DATE : FEBRUARY 6, 2012

SHEET 1 OF 4
JARED AT TYSONS CORNER

FIG. # 010-414



LEGEND

- EXISTING LAMPPOST
- EXISTING STREET SIGN
- EXISTING UNDERGROUND GAS LINE
- EXISTING UNDERGROUND ELEC. LINE
- EXISTING UTILITY LINE & POLE
- EXISTING WATERMAIN & EXHAUST
- EXISTING STORM SEWER & EXHAUST
- EXISTING SAN. SEWER & EXHAUST
- EXISTING NOISE CONTAINMENT
- EXISTING CONTOUR
- EXISTING LAMPPOST
- EXISTING STREET SIGN
- EXISTING UNDERGROUND GAS LINE
- EXISTING UNDERGROUND ELEC. LINE
- EXISTING UTILITY LINE & POLE
- EXISTING WATERMAIN & EXHAUST
- EXISTING STORM SEWER & EXHAUST
- EXISTING SAN. SEWER & EXHAUST
- EXISTING NOISE CONTAINMENT
- EXISTING CONTOUR

NO.	DATE	REVISION
1	12/15/11	REVISED PER COMMENTS
2	1/10/12	REVISED PER COMMENTS
3	1/10/12	REVISED PER COMMENTS
4	1/10/12	REVISED PER COMMENTS

SPECIAL EXCEPTION PLAT

JARED AT TYSONS CORNER

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA


CPI Associates
Charles P. Johnson & Associates, Inc.
Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors
14000 Pender Dr., Suite 210 Fairfax, VA 22030 703.288.7581 Fax 703.273.8555
www.cpi.com • Silver Spring, MD • Germantown, MD • Potomac, MD • Fairfax, VA

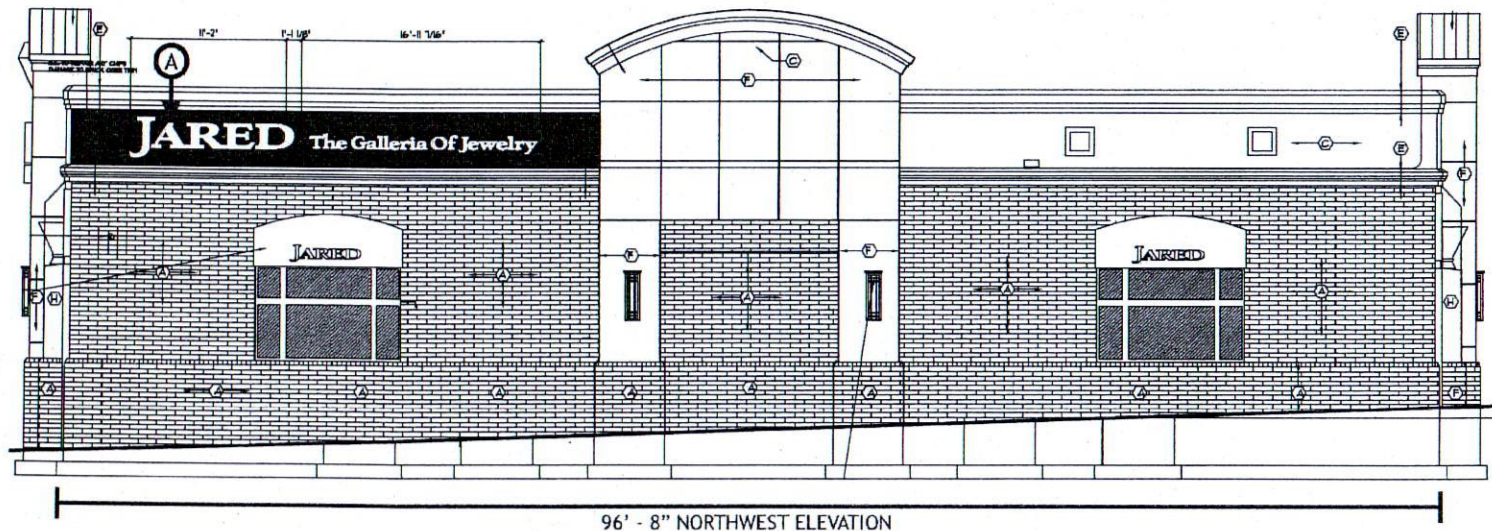


Lot 52: 22,284 sq. ft.
Lot 54: 10,000 sq. ft.
Lot 50: 10,000 sq. ft.
Lot 47A: 10,000 sq. ft.

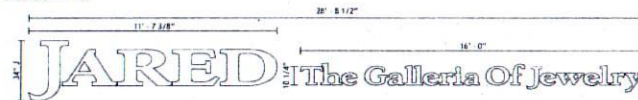
COVER TYPE SUMMARY			
	PRIMARY SPECIES	CONDITION	AREA (sq ft)
✓	Unimproved Pine Company	good	680
✓	Multi-unimproved Grassland	poor	2,228
✓	Developed Area	poor	18,375
	TOTAL AREA		22,284



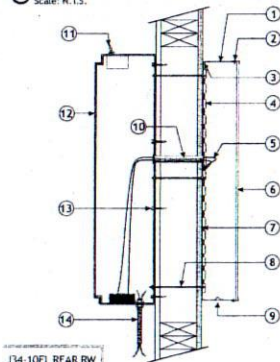
NO.	DATE	REVISION	PRIOR TO	APPROVAL
 Charles P. Johnson & Associates, Inc. Civil and Environmental Engineers • Planners • Landscape Architects • Surveyors 3489 Pender Dr., Ste. 210 Fairfax, VA 22030 703.348.7555 Fax: 703.273.8860 • Silver Spring, MD • Gaithersburg, MD • Potomac, MD • Fairfax, VA www.cpja.com				



A FACE LIT CHANNEL LETTERS - ELEVATION
Scale: 3/8" = 1' - 0"



A FACE LIT LETTER - SECTION
Scale: N.T.S.



J34-10FL REAR RW

FACE LIT LETTER - DETAILS

- 1 4 1/4" DEEP x .063 ALUMINUM LETTER RETURN PAINTED BLACK CHERRY, SW #G55, 19555
- 2 1" TRIM CAP PAINTED BLACK CHERRY, SW #G55, 19555
- 3 LETTER RETURN & BACKS ARE WELDED TOGETHER AROUND THE ENTIRE PERIMETER OF LETTER
- 4 6500K WHITE LED UNITS TO ILLUMINATE LETTERS
- 5 ELECTRICAL WIRING FOR LED UNITS
- 6 3/16" THICK, WHITE 752R ACRYLIC LETTER FACES
- 7 .090 ROLTED ALUMINUM LETTER BACKS, ALL INTERIOR SURFACES OF LETTERS ARE PAINTED PRIME GLOSS WHITE
- 8 10-24 RIVET NUT, WITH 3/16" ALL-THREAD ROD AND 10-24 W/2 NUT FASTENERS BEHIND WALL
- 9 DRAIN HOLE IN BOTTOM OF LETTER RETURN WITH LIGHT COVER
- 10 3/4" RIGID CONDUIT THRU WALL SECTION
- 11 SERVICE DISCONNECT SWITCH LOCATED ON RACEWAY
- 12 FABRICATED ALUMINUM RACEWAY ON BACK SIDE OF PARAPET WALL TO COVER ALL ELECTRICAL AND MOUNTING PENETRATIONS AND CONTAIN LED POWER SUPPLIES
- 13 RACEWAY SECURED TO BACK SIDE OF WALL WITH COARSE THREADED LAG BOLTS
- 14 PRIMARY ELECTRICAL SOURCE RUN TO RACEWAY BY OTHERS, MUST CONTAIN A NUT, NEUTRAL AND GROUND, ALL COMING BACK TO THE MAIN PANEL, MUST BE A DEDICATED CIRCUIT



THIS SHEET IS FOR ILLUSTRATIVE PURPOSES ONLY

REVISION PREPARED TO APPROVAL
DATE
BY
CPJ Charles P. Johnson & Associates, Inc.
Professional Engineer
10000 Lee Road, Suite 100
Fairfax, VA 22033
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www.cpj-engineers.com

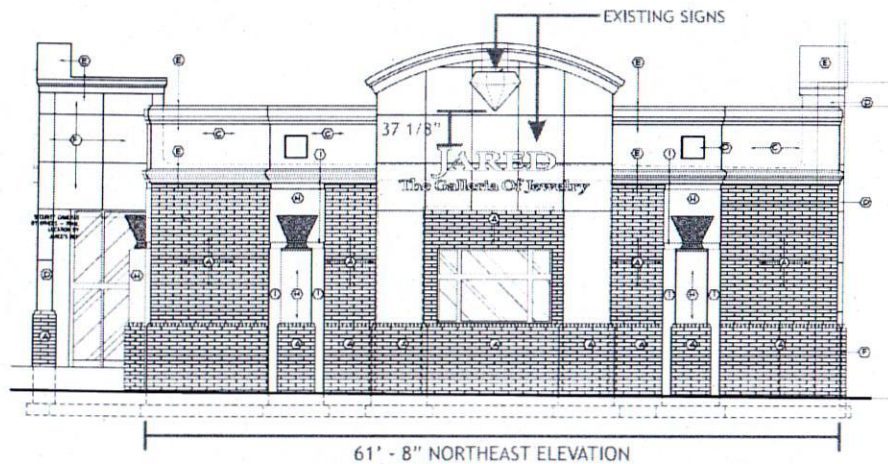
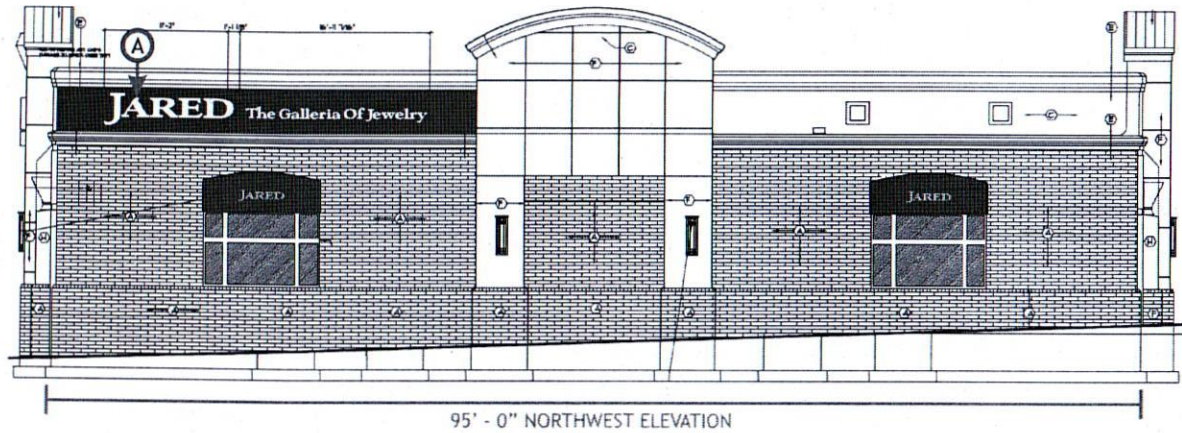
SIGN DETAILS
JARED AT
TYSONS CORNER
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA



NO.	DATE	DESCRIPTION	BY	CHKD.
1	10/1/12	ISSUED FOR PERMIT	CPJ	CPJ
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

DESIGN	DATE	BY	CHKD.
10/1/12	10/1/12	CPJ	CPJ
SHEET	4	OF	4
PROJECT NO.	99-534		
TYPE	SE PLAT		

STOREFRONT - ELEVATION
Scale: 3/32" = 1' - 0"



Ⓐ J34-10FL
Qty - 1

Ruggles
SIGN COMPANY
308 Crossfield Drive
Versailles, KY 40383
Phone: (859) 879-1199
Fax: (859) 879-8683
www.rugglessign.com



Store# 449
Space#
TYSON'S CORNER CENTER
8113 LEESBURG PIKE
VIENNA, VA 22182

CUSTOMER APPROVAL

Customer Signature _____ Date _____
Copy, Colors and Sizes

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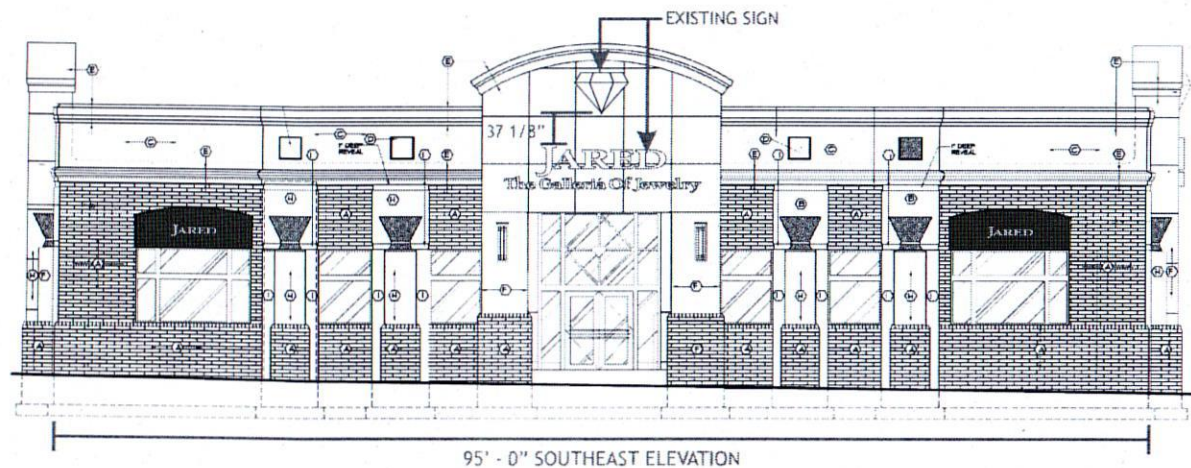
Submittal Date: 04/08/11
Plan Issue/Rev Date: _____
Acct Rep: Scott Cambron
Designer: Derek Couch

REVISIONS

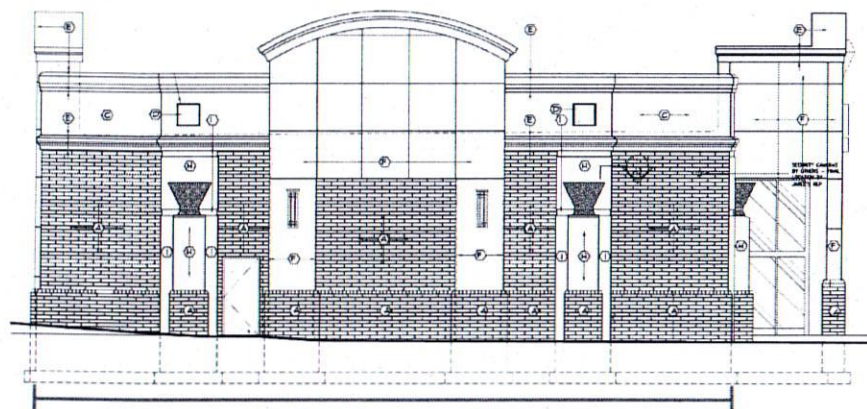
r1: _____ r5: 06/20/12
r2: 01/03/12 r6: 08/02/12
r3: 02/29/12 r7: _____
r4: 03/22/12 r8: _____

STOREFRONT - ELEVATION

Scale: 3/32" = 1' - 0"



95' - 0" SOUTHEAST ELEVATION



61' - 8" SOUTHWEST ELEVATION

(A) J34-10FL
Qty - 1

Ruggles
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308 Crossfield Drive
Versailles, KY 40383
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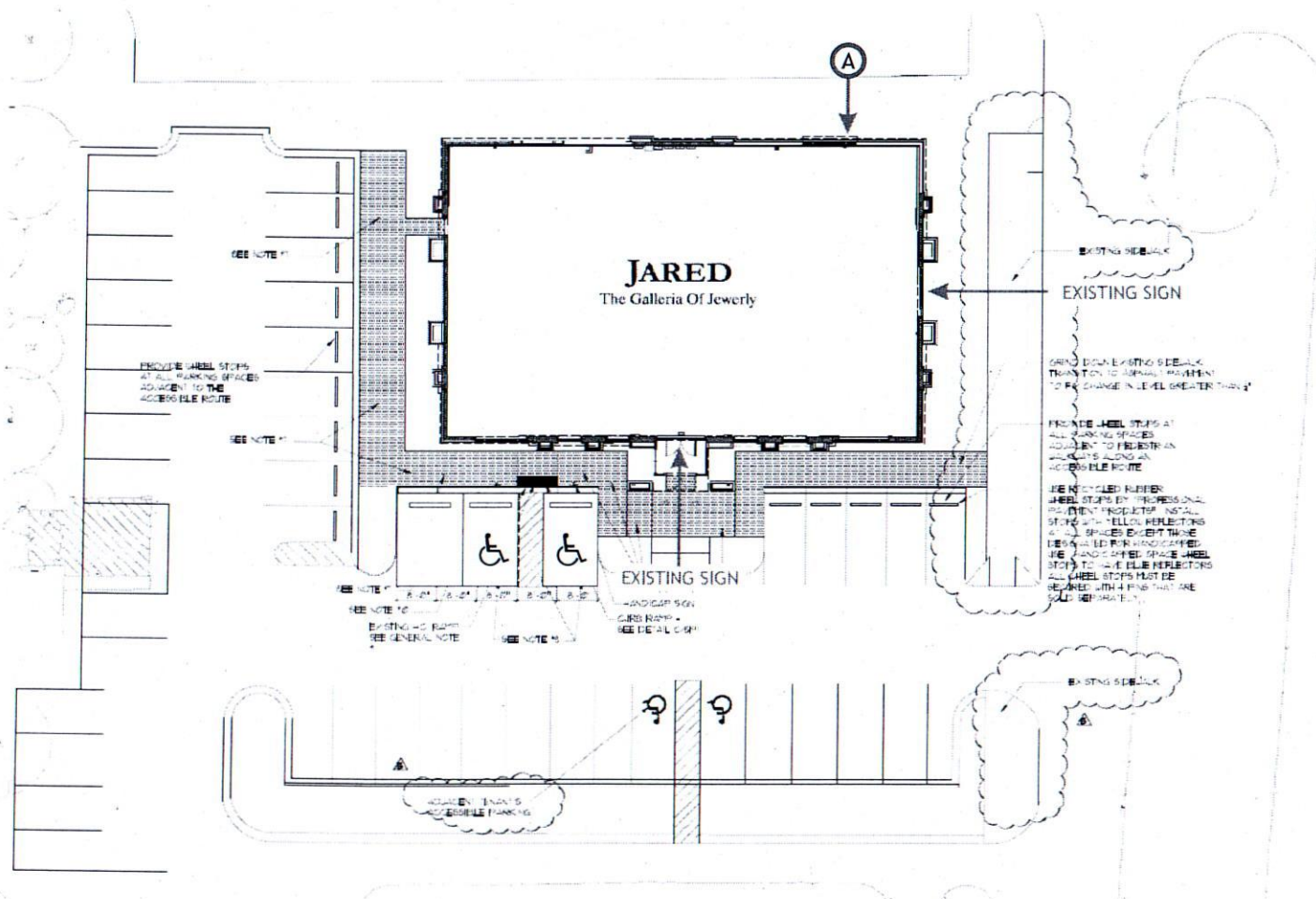
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Page: 2 of 7

STORE SITE PLAN
Scale: N.T.S.



Ⓐ J34-10FL
Qty - 1

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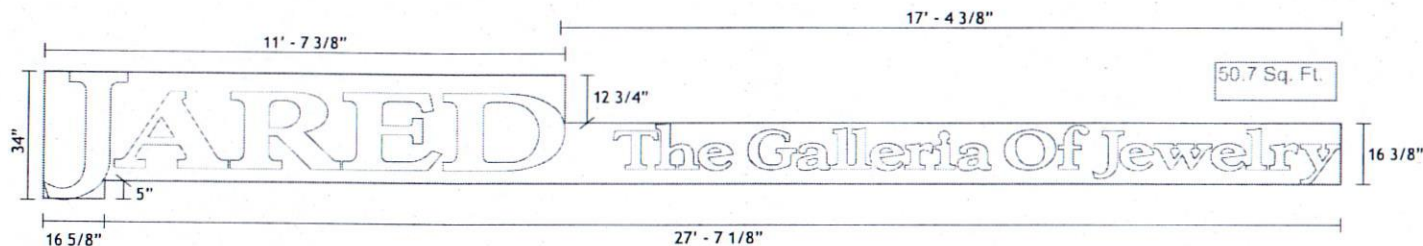
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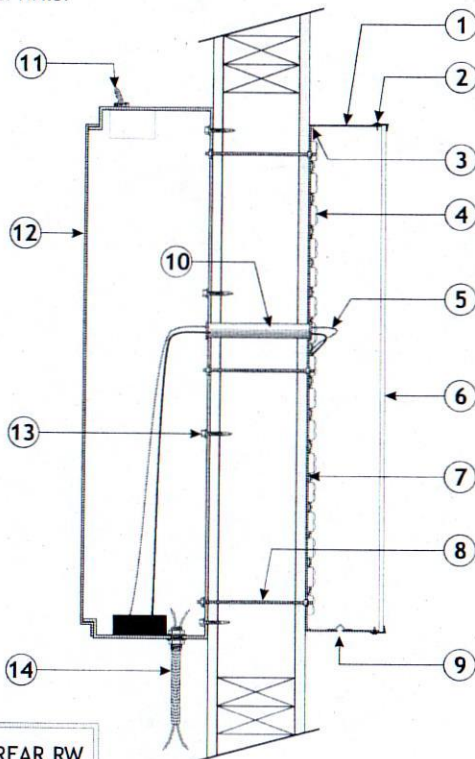
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r4: 03/22/12 r8: _____

A FACE LIT CHANNEL LETTERS - ELEVATION
Scale: 3/8" = 1' - 0"



A FACE LIT LETTER - SECTION
Scale: N.T.S.



FACE LIT LETTER - DETAILS

- ① 4 1/4" DEEP x .063 ALUMINUM LETTER RETURNS PAINTED BLACK CHERRY, SW #GF5 - 95955
- ② 1" TRIM CAP PAINTED BLACK CHERRY, SW #GF5 - 95955
- ③ LETTER RETURNS & BACKS ARE WELDED TOGETHER AROUND THE ENTIRE PERIMETER OF LETTER
- ④ 6500K WHITE LED UNITS TO ILLUMINATE LETTERS
- ⑤ ELECTRICAL WIRING FOR LED UNITS
- ⑥ 3/16" THICK, WHITE 7328 ACRYLIC LETTER FACES
- ⑦ .090 ROUTED ALUMINUM LETTER BACKS, ALL INTERIOR SURFACES OF LETTERS ARE PAINTED HIGH GLOSS WHITE
- ⑧ 10-24 RIVET NUT, WITH 3/16" ALL THREAD ROD AND 10-24 WIZ NUT FASTENERS BEHIND WALL
- ⑨ DRAIN HOLE IN BOTTOM OF LETTER RETURN WITH LIGHT COVER
- ⑩ 3/8" RIGID CONDUIT THRU WALL SECTION
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J34-10FL REAR RW

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Store# 449
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CUSTOMER APPROVAL

Customer Signature _____ Date _____
Copy, Colors and Sizes

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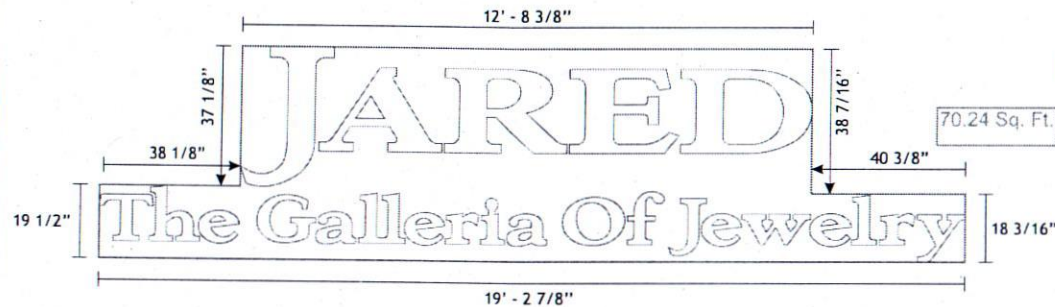
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Page: 4 of 7

FACE LIT CHANNEL LETTERS - ELEVATION

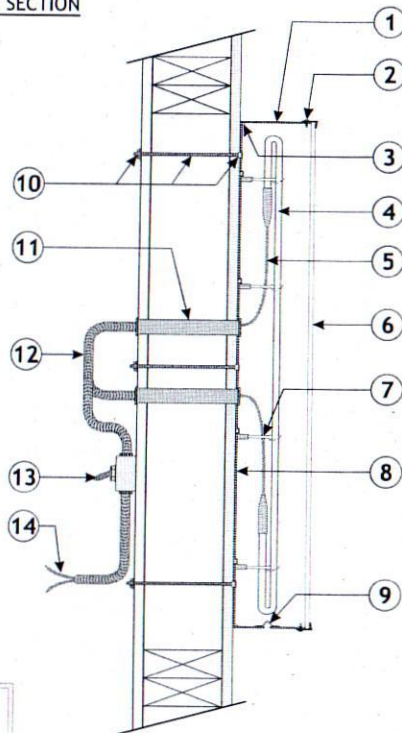
Scale: 3/8" = 1' - 0"



EXISTING SIGN TO REMAIN

FACE LIT LETTER - SECTION

Scale: N.T.S.



FACE LIT LETTER - DETAILS

- ① 4 1/4" DEEP x .063 ALUMINUM LETTER RETURNS PAINTED BLACK CHERRY, SW #GF5 - 95955
- ② 1" TRIM CAP PAINTED BLACK CHERRY SECURED TO LETTER RETURN WITH SMALL SELF-TAPPING SCREW, PAINTED TO MATCH RETURNS
- ③ LETTER RETURNS & BACKS ARE WELDED TOGETHER AROUND THE ENTIRE PERIMETER OF LETTER
- ④ 6500 SERIES, DOUBLE BACKED WHITE NEON TUBE, TO ILLUMINATE LETTERS
- ⑤ ELECTRICAL GTO WIRE FOR NEON
- ⑥ 3/16" THICK, #7328 WHITE ACRYLIC LETTER FACES
- ⑦ NEON TUBE SUPPORTS WITH WIRE TIES
- ⑧ .090 ROUTED ALUMINUM LETTER BACKS, ALL INTERIOR SURFACES OF LETTERS ARE PAINTED HIGH GLOSS WHITE
- ⑨ DRAIN HOLE IN BOTTOM OF LETTER RETURN WITH LIGHT COVER
- ⑩ 10-24 RIVET NUT, WITH 3/16" ALL THREAD ROD AND 10-24 WIZ NUT FASTENERS BEHIND WALL
- ⑪ 1/2" RIGID CONDUIT THRU WALL SECTION
- ⑫ 1/2" FLEX CONDUIT TO CONTAIN ELECTRICAL WIRING
- ⑬ SERVICE DISCONNECT SWITCH BY OTHERS (EXACT LOCATION DETERMINED BY FIELD CONDITIONS)
- ⑭ ELECTRICAL WIRING TO PRIMARY ELECTRICAL SOURCE (BY OTHERS) AND TO REMOTELY LOCATED TRANSFORMERS (FIELD CONDITIONS TO DETERMINE EXACT LOCATION)

J36-12FL



Ruggles
SIGN COMPANY

308 Crossfield Drive
Versailles, KY 40383

Phone: (859) 879-1199

Fax: (859) 879-8683

www.rugglessign.com



JARED
The Galleria Of Jewelry

Store# 449

Space#

TYSON'S CORNER CENTER
8113 LEESBURG PIKE
VIENNA, VA 22182

CUSTOMER APPROVAL

Customer Signature _____ Date _____
Copy, Colors and Sizes

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Designer: Derek Couch

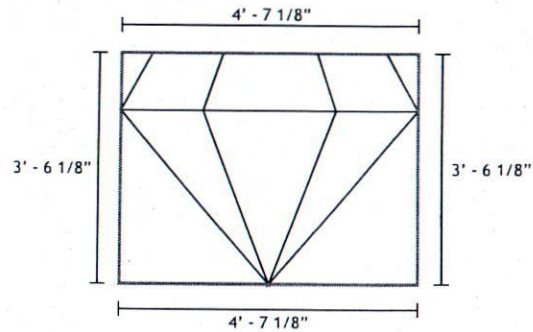
REVISIONS

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r3: 02/29/12	r7: _____
r4: 03/22/12	r8: _____

Page: 5 of 7

FACE LIT DIAMOND FIXTURE - ELEVATION

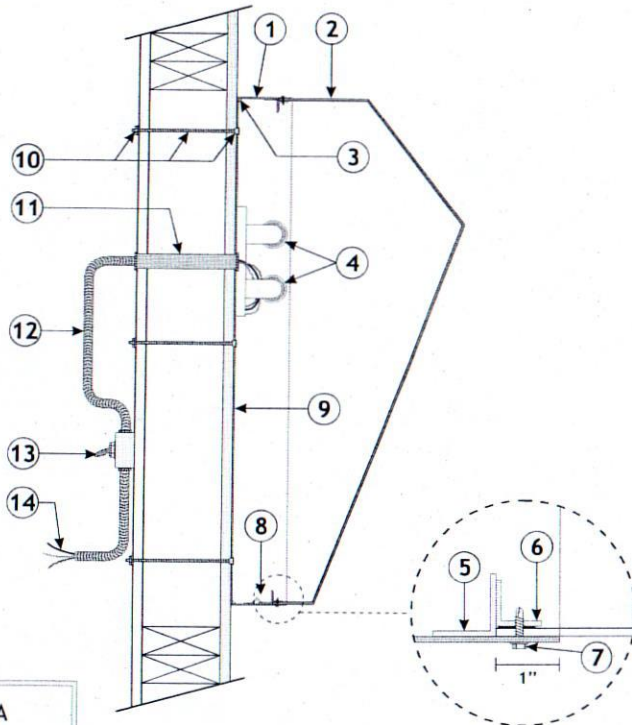
Scale: 1/2" = 1' - 0"



16.11 Sq. Ft.

FACE LIT DIAMOND FIXTURE - SECTION

Scale: N.T.S.



J60DIA

EXISTING SIGN TO REMAIN

FACE LIT DIAMOND - DETAILS

- ① 4" DEEP x .090 ALUMINUM DIAMOND RETURNS PAINTED MATTE WHITE
- ② WHITE ACRYLIC DIAMOND COVER, SECURED TO ALUMINUM RETURN WITH SMALL SELF -TAPPING SCREW, PAINTED MATTE WHITE
- ③ ALUMINUM RETURNS & BACKS ARE WELDED TOGETHER AROUND THE ENTIRE PERIMETER OF LETTER
- ④ ADVANCE RC-2585-TP RAPID START BALLAST, WITH (2) H.O. COOL WHITE FLUORESCENT LAMPS
- ⑤ 1" ALUMINUM ANGLE WELDED TO INSIDE OF RETURN 1" BACK FROM THE FRONT EDGE OF RETURN
- ⑥ ALUMINUM ANGLE ATTACHED TO INSIDE EDGE OF ACRYLIC DIAMOND WITH VHB DOUBLE SIDED TAPE
- ⑦ SMALL SELF TAPPING SCREW THRU ALUMINUM RETURN, ACRYLIC DIAMOND AND ANGLE INSIDE DIAMOND
- ⑧ DRAIN HOLE IN BOTTOM OF LETTER RETURN WITH LIGHT COVER
- ⑨ .090 ROUTED ALUMINUM DIAMOND BACK, ALL INTERIOR SURFACES PAINTED HIGH GLOSS WHITE
- ⑩ 10-24 RIVET NUT, WITH 3/16" ALL THREAD ROD AND 10-24 WIZ NUT FASTENERS BEHIND WALL
- ⑪ 1/2" RIGID CONDUIT THRU WALL SECTION
- ⑫ 1/2" FLEX CONDUIT TO CONTAIN ELECTRICAL WIRING
- ⑬ SERVICE DISCONNECT SWITCH BY OTHERS (EXACT LOCATION DETERMINED BY FIELD CONDITIONS)
- ⑭ ELECTRICAL WIRING TO PRIMARY ELECTRICAL SOURCE (BY OTHERS) AND TO REMOTELY LOCATED TRANSFORMERS (FIELD CONDITIONS TO DETERMINE EXACT LOCATION)



Ruggles
SIGN COMPANY

308 Crossfield Drive
Versailles, KY 40383

Phone: (859) 879-1199

Fax: (859) 879-8683

www.rugglessign.com



JARED
The Galleria Of Jewelry

Store# 449

Space#

TYSON'S CORNER CENTER
8113 LEESBURG PIKE
VIENNA, VA 22182

CUSTOMER APPROVAL

Customer Signature _____ Date _____
Copy, Colors and Sizes

RUGGLES SIGN COMPANY DOES NOT PROVIDE
PRIMARY ELECTRICAL TO SIGN LOCATION
RESPONSIBILITY OF OTHERS!

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Company and cannot be reproduced in whole or in
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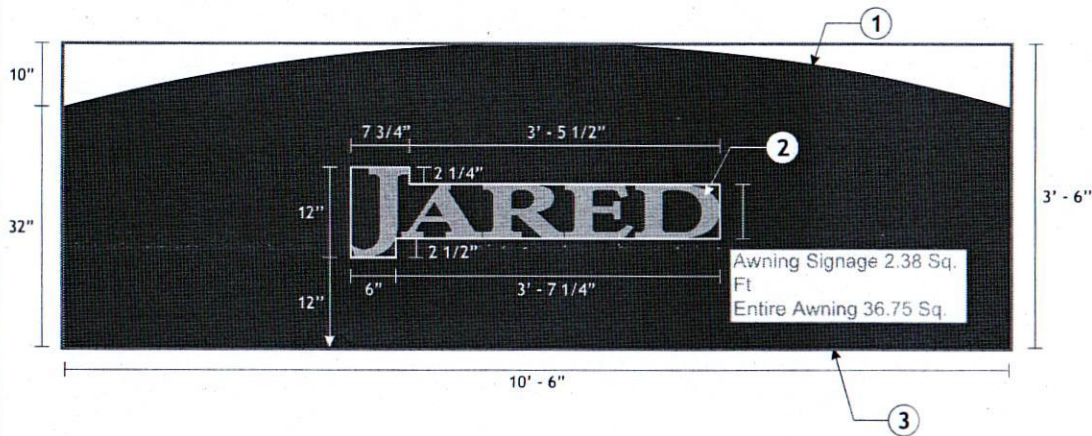
Submittal Date: 04/08/11
Plan Issue/Rev Date: _____
Acct Rep: Scott Cambron
Designer: Derek Couch

REVISIONS

r1: _____ r5: 06/20/12
r2: 01/03/12 r6: 08/02/12
r3: 02/29/12 r7: _____
r4: 03/22/12 r8: _____

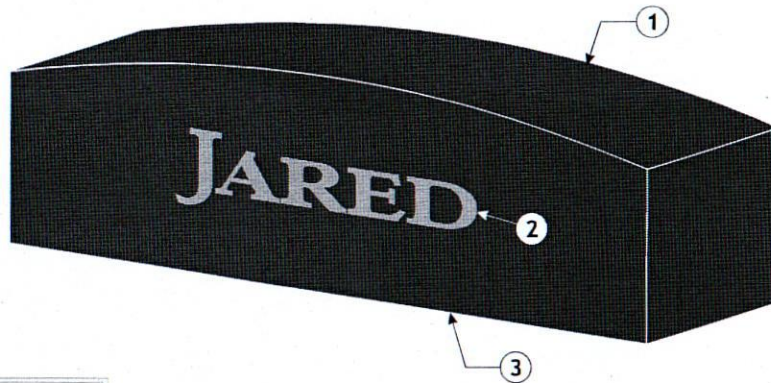
Page: 6 of 7

Scale: $3/4'' = 1' - 0''$



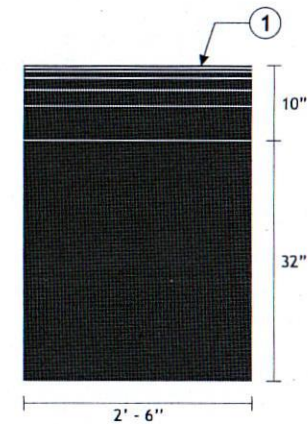
EXISTING AWNINGS TO REMAIN

Scale: N.T.S.



J RADIUS AWNING

Scale: $3/4'' = 1' - 0''$



RADIUS TOP FABRIC AWNING - DETAILS

- 1 "SUNBRELLA" #4640 WOVEN 100% ACRYLIC, BLACK CHERRY AWNING FABRIC OVER 1" ALUMINUM TUBE FRAME
- 2 HEAT TRANSFERRED, GILT GOLD VINYL LOGO, APPLIED TO FACE OF AWNING, CENTERED, 12" UP FROM BOTTOM
- 3 1/2" x 1/2" x 1/2" WHITE, PLASTIC EGG CRATE LOUVER ON UNDERSIDE OF AWNING (TYPICAL)



Store# 449
Space#
TYSON'S CORNER CENTER
8113 LEESBURG PIKE
VIENNA, VA 22182

CUSTOMER APPROVAL

Customer Signature _____ Date _____
Copy, Colors and Sizes

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Submittal Date: 04/08/11
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REVISIONS

r1: _____ r5: 06/20/12
r2: 01/03/12 r6: 08/02/12
r3: 02/29/12 r7: _____
r4: 03/22/12 r8: _____

DESCRIPTION OF THE APPLICATION

The applicant, Sterling Jewelers, Inc. dba Jared The Galleria of Jewelry, requests approval of a Special Exception (SE) for a waiver of certain sign regulations to increase the amount of building-mounted sign area beyond the maximum permitted by the Zoning Ordinance by 93.3 square feet. Other than this request there are no other building additions or site modifications associated with the applicant's request.

The store has two existing building-mounted signs on the northern and eastern facades that were granted sign permits when it was constructed in 2000. These permits did not exceed the 142.5 square feet of building-mounted sign area allowed by-right¹. After measuring the existing signs, the applicant discovered that the existing signs occupy 172.62 square feet of sign area. These larger measurements have been incorporated into the applicant's SE request.

The applicant would also like to install a 52.35 square foot sign on the jewelry store's western façade. The new sign would allow motorists heading east on Leesburg Pike to identify the store in time to use one of the service drive access points (Figure 1). The applicant contends that the proposed sign would enhance visibility and obviate the need for customers to make a quick turn, thus improving traffic safety.

Furthermore, there are four awnings with the store name on them; unbeknownst to the applicant, the "Jared" on each awning is considered a sign per the Zoning Ordinance². The awnings are building-mounted signs and total 10.84 square feet in sign area.

In total, the applicant is seeking permission to use 235.81 square feet of sign area. This calculates to a request for 93.31 square feet beyond the Zoning Ordinance's by-right maximum. Section 9-620 gives the Board of Supervisors (BOS) the authority to modify or waive the maximum limit of sign area by approving a SE in Commercial or Industrial districts.

While the subject property is located within a Sign Control Overlay District, the district's regulations are intended to restrict freestanding signs in commercial and industrial areas to reduce visual clutter and to increase traffic safety. The applicant's request is limited to the site's building-mounted sign area.

The applicant is also seeking two reaffirmations of waivers previously approved with the property's site plan:

- 1 For buildings housing only one tenant, building frontage shall be that one face or wall of a building which is architecturally designed as the front of the building and which contains the main entrance for use by the general public. The main entrance is located on the eastern façade of the building. Part 8 of Sect. 12-203 of the Zoning Ordinance limits building-mounted signs to one and one-half (1.5) square feet of sign area for each linear foot of building frontage. The building frontage for the Jared store is 95 feet, which allows the applicant up to 142.5 square feet of building-mounted sign area ($95 \times 1.5 = 142.5$).
- 2 The Zoning Ordinance defines a "sign" as any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner or pennant or any other device, figure or similar character which: 1) is used to announce, direct attention to, identify, advertise or otherwise make anything known; and 2) is visible from the public right-of-way or from adjoining property.

- A waiver of the requirement to construct frontage improvements along Leesburg Pike; and,
- A modification of the requirement to dedicate right-of-way along Leesburg Pike in accordance with the Comprehensive Plan.

A reduced copy of the applicant's SE Plat is included at the beginning of this staff report. Copies of the affidavit and the applicant's statement of justification are included in Appendices 2 and 3, respectively.

LOCATION AND CHARACTER

The subject property is in Tysons Corner at 8113 Leesburg Pike along the southern side of the road, between Leesburg Pike's intersections with Gallows Road and Aline Avenue (Figure 1). Sterling Jewelers operates one of its Jared: The Galleria of Jewelry stores at this location. The store is the sole occupant of the 5,495 square foot building and has 25 parking spaces on site. The site has several parking assistance signs (Figure 2) to differentiate which spaces are devoted to Jared, and which spaces are for the adjacent McDonald's restaurant customers. Both sites share an interparcel access.

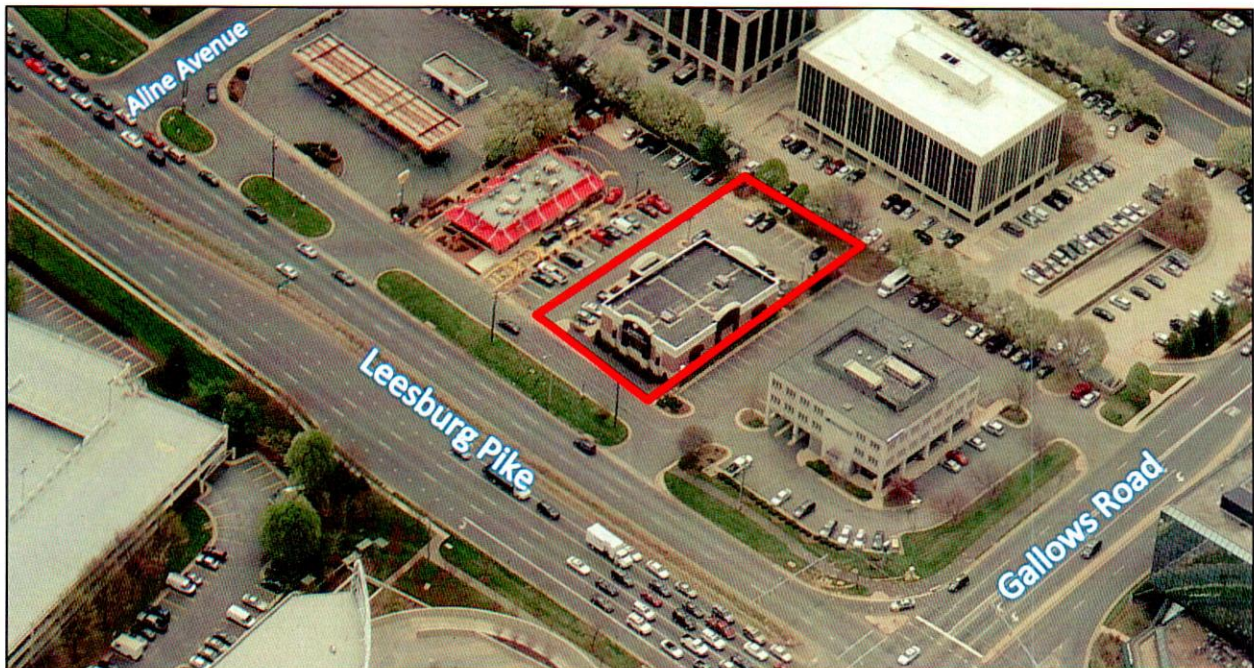


Figure 1: The subject property, outlined in red, looking from the northwest to the southeast.
(Source – Bing Maps, 2012)

Motorists travelling east can access the site using one of three access points along a service drive located between the store and Leesburg Pike. The service drive connects the property to Aline Avenue at its eastern terminus and the neighboring Wells Fargo financial institution on its western terminus. A summary of the surrounding land uses is outlined in Table 1.

Figure 3 shows the existing building-mounted signs on the store's northern and eastern facades. The diamond logo occupies 16.13 square feet of sign area on each facade, while the store's name adds an additional 70.18 square feet.

TABLE 1 – Surrounding Area Description			
Direction	Use	Zoning	Plan
North	Tysons Corner Center (Super-Regional Shopping Center)	PDC	Retail Mixed Use
South	Office	PDC	Residential Mixed Use
East	Fast Food Restaurant (McDonald's)	C-5	Residential Mixed Use
West	Financial Institution (Wells Fargo)	C-5	Residential Mixed Use



Figure 2: The existing signs located behind the parking spaces (Source – DPZ Site Visit, June 1, 2012)

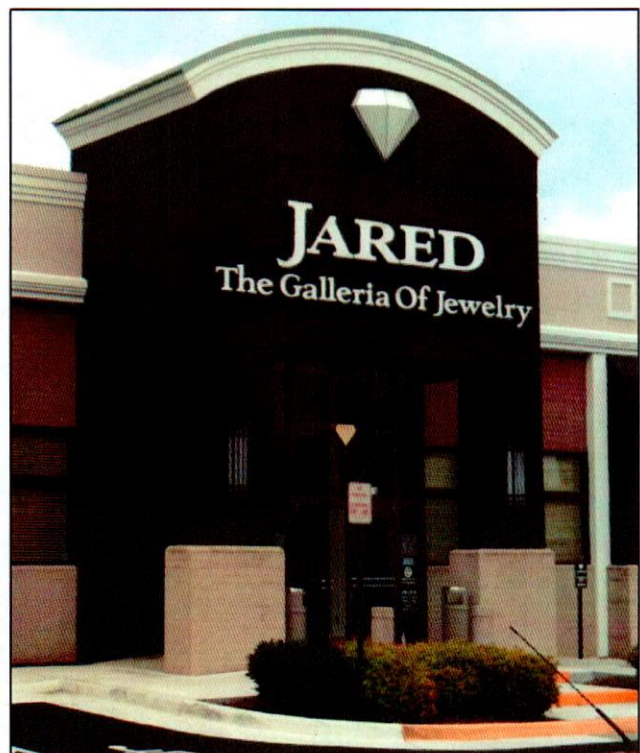
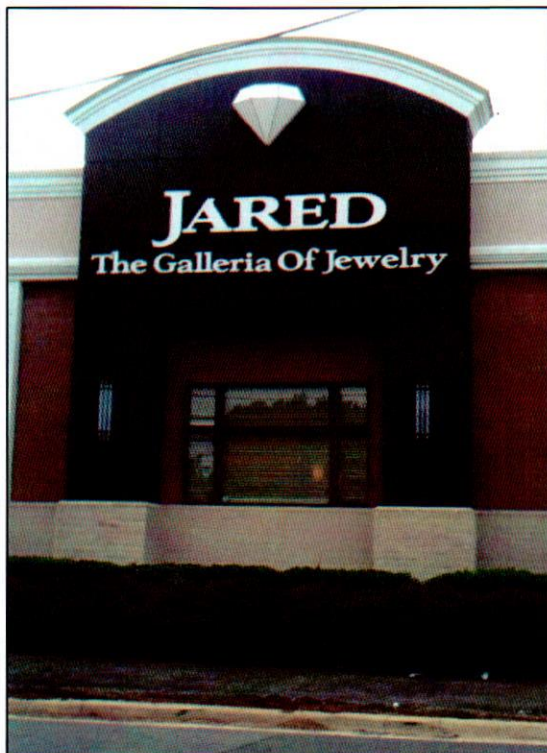


Figure 3: The existing building-mounted signs – the northern façade is on the left, and the store's eastern façade is on the right. (Source – DPZ Site Visit, June 1, 2012)

BACKGROUND

The site was previously the location of a fast food restaurant, and redeveloped after the applicant obtained site plan approval for a retail sales establishment on July 25, 2000. Subsequently, the Department of Planning and Zoning (DPZ) issued a Non-RUP on December 14, 2000 prior to the opening of the jewelry store.

The applicant obtained approved sign permits from DPZ on October 20, 2000 for the diamond logos and “Jared – The Galleria of Jewelry” text seen in Figure 3. Table 2 breaks down the approved sign area and the existing sign area. Based on the applicant’s SE Plat, the letters that were installed are larger than that shown on the approved permits.

During the review of the SE request, staff advised the applicant that the parking assistance signs were prohibited in their current form. According to Par. 2G of Sect. 12-103 of the Zoning Ordinance, small signs displayed on site for the direction and convenience of the public which identify the location of parking areas do not require a sign permit.

When these signs display the corporate logo and commercial copy as shown in Figure 2, they are no longer being used for the direction and convenience of the public and are instead being used to identify and advertise. As outlined in Appendix 4, each sign would be considered a freestanding sign, and the applicant would need to submit sign permit applications to DPZ for review and approval of each sign. Since the property is located in a Sign Control Overlay District, only one freestanding sign is permitted. The applicant intends to correct this issue by removing the Jared logo from the parking assistance signs, as shown in Figure 4.

TABLE 2 – Sign Area Discrepancy	
Sign Copy	Approved Area (ft ²)
“Jared The Galleria of Jewelry”	54.64
Diamond shape	16.12
Total (two facades)	141.52
Sign Copy	Actual Area (ft ²)
“Jared The Galleria of Jewelry”	70.18
Diamond shape	16.13
Total (two facades)	172.62
Area exceeding maximum	31.10



Figure 4: The applicant intends to alter the parking assistance signs in this manner so that they will be compliant with the Zoning Ordinance (Source – *Ruggles Sign Company, June 20, 2012*)

DESCRIPTION OF THE SPECIAL EXCEPTION PLAT

The applicant's SE plat provides a layout of the existing jewelry store building, existing vegetation on site, and parking spaces. Sheet 4 of the plat shows the desired location for the proposed sign on the building's western façade. The sign would be face-lit channel letters illuminated with white LED units. The applicant has listed on Sheet 8 that the proposed square footage of the sign would be 50.7 square feet. Staff coordinated with the Zoning Administration Division (ZAD), and has determined that the actual sign area generated by the applicant's dimensions is 52.35. The figured used in Table 3 are based on staff calculations, and deviate slightly from the totals listed on the SE Plat. Staff recommends that the applicant modify the SE plat to reflect the staff determination of the sign area prior to the Planning Commission public hearing.

The applicant has included corrected calculations for the existing signs that were previously approved and the awning signs that were installed without permits. In total, the applicant would have the ability to install 235.81 square feet of building-mounted sign area, or 93.31 square feet beyond the maximum allowed by the Zoning Ordinance.

TABLE 3 – Existing and Proposed Signs				
Existing Sign Copy	Location (Façade)	Area (ft ²)	Number	Total
"Jared The Galleria of Jewelry"	Northern, Eastern	70.18	2	140.36
Diamond shape	Northern, Eastern	16.13	2	32.26
"Jared" on awnings	Eastern, Western	2.71	4	10.84
			Total	183.46
Proposed Sign Copy	Location (Façade)	Area (ft ²)	Number	Total
"Jared The Galleria of Jewelry"	Western	52.35	1	52.35
			Grand Total	235.81

ZONING ORDINANCE PROVISIONS (Appendix 5)

General Special Exception Standards (Sect. 9-006)

Standards 1 and 2 require that the proposed use be harmonious with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations. The Comprehensive Plan calls for retail uses at this location with an option for mixed use redevelopment in accordance with the recommendations in the Tysons Corner Urban Center portion of the Plan. The purpose and intent of the C-5 District is to provide convenience shopping facilities serving a neighborhood-oriented market. The proposed increase in sign area would not undermine any of these objectives, and would comply with these standards.

Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the Comprehensive Plan. The features of the proposal, such as the size and height of buildings and structures along with the nature and extent of screening, buffering, and landscaping, may not hinder or discourage the development and use of nearby property or impair its value. The increase in sign area would not adversely affect the neighboring properties, and would not hinder or discourage the nearby properties' development or impair their value.

Standard 4 requires the pedestrian and vehicular traffic associated with the proposed use not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. Standard 5 gives the BOS the authority to require landscaping and screening in accordance with Article 13 of the Zoning Ordinance. The increase in sign area would not be hazardous, but would instead give customers an earlier opportunity to identify the store and to turn into the service drive in time. Figure 5 demonstrates how the sign would help accomplish this goal. In staff's opinion, the additional sign area would not necessitate additional landscaping and screening.



Figure 5: The applicant conducted a banner test to show how the proposed sign would look on the existing building. The proposed sign is outlined in red. (Source – ARK Sign Services, Inc. site photo, 2/17/2012)

Standards 6 and 7 require that the applicant provide an amount of open space equal to that required for the particular zoning district, and that adequate facilities, such as utilities and parking, be provided. The applicant previously fulfilled these requirements with the site plan approval obtained in 2000.

Standard 8 requires all signs to be regulated by the provisions of Article 12. The BOS may impose stricter requirements for a use than those set forth in the Zoning Ordinance. Based on the methodology from Article 12 discussed on page 1, the applicant would be allowed up to 142.5 square feet of building-mounted sign area. Section 9-620 allows an applicant to request a Special Exception for a waiver of certain sign regulations to provide relief where appropriate for signs on commercial and industrially zoned land if unusual circumstances do not provide identification as intended by the sign regulations. The applicant's request to increase the building-mounted sign area falls under this type of SE. The provisions of Sect. 9-620 are discussed in greater detail below.

The subject property contains an individual enterprise located in a Sign Control Overlay District, and this stretch of Leesburg Pike is listed as a major thoroughfare in Appendix 8 of the Zoning Ordinance. Part 2 of Sect. 12-204 limits freestanding sign area for properties with these attributes to a maximum of 40 square feet, while Par. 4 of Sect. 12-203 limits freestanding signs to 20 feet in height. The applicant intends to retain one freestanding sign of 3 square feet in area and 5.5 feet high.

In summary, the applicant's request satisfies all of the General Special Exception Standards.

Standards for Waiving Certain Sign Regulations (Sect. 9-620)

The first standard narrows the applicant's request to only include some combination of an increase in sign area, an increase in sign height, or a different location of a sign not otherwise provided by Sect. 12-304. The applicant may not, for example, request an additional freestanding sign beyond the one-sign maximum allowed in the Zoning Ordinance. In this request, the applicant is requesting an increase in building-mounted sign area, which complies with this standard.

The second standard limits the BOS to approving the waiver only when the applicant can demonstrate that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use. The jewelry store's relative proximity to the Leesburg Pike/Gallows Road intersection, coupled with the store being set back 70 feet from the road, hampers a motorist's ability to identify the store travelling east. These circumstances, as described in Figures 5 and 6, demonstrate that the site's circumstances impact the applicant's ability to reasonably identify the site.

The third and fourth standard require that sign regulation waivers be harmonious with the Comprehensive Plan, that the sign may not cause a deleterious effect on the existing or planned development of adjacent properties, and that it be consistent with the purpose and intent of Article 12. These standards are very similar to General Standards 1 and 3; it is staff's opinion that the proposed increase in sign area would be in harmony with the Comprehensive Plan, which calls for this corridor to remain in either retail use or be developed with a mixture of land uses. Given the similar land uses that

surround it, the increase would not have a deleterious effect on the adjacent properties. Finally, the increase would be consistent with Article 12's purpose and intent as it would protect against danger in travel and transportation while facilitating the creation of a convenient, attractive, and harmonious community.

Sign Control Overlay District Standards (Sect. 7-500)

The subject property is located in a Sign Control Overlay District, which are established in furtherance of Sect. 12-101 by restricting freestanding signs in the intensely developed commercial and industrial areas of Fairfax County where there is an increased need to reduce visual clutter, sight distance obstructions, and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12.

As discussed on Page 2, the existing parking assistance signs are considered freestanding signs. To ensure that the applicant follows through on their alteration, staff has recommended a development condition that requires all signs to be brought into compliance with Article 12 prior to the issuance of a sign permit for the new building-mounted sign. With this condition, these standards would be satisfied.



Figure 6: A view from just west of Leesburg Pike's intersection with Gallows Road. The applicant's banner test shows the proposed location of the new sign, outlined in red. (Source – ARK Sign Services, Inc. site photo, 2/17/2012)

Highway Corridor Overlay District Standards (Sect. 7-600)

The subject property is located in a Highway Corridor Overlay District. The Zoning Ordinance provides additional regulations for drive-in financial institutions, fast food restaurants, quick-service food stores, service stations, and service station/mini-marts located in these overlay districts. Since the subject property is used as a retail sales establishment, the district's standards are not applicable to this request.

WAIVERS AND MODIFICATIONS

- **Frontage improvements and right-of-way dedication (Article 17, Section 201)**

The applicant has requested that the BOS reaffirm the previous approval of the above waivers and modifications, which were granted by DPWES during the applicant's site plan review. Since the applicant's request does not involve modifications to the existing improvements, the circumstances have not changed in such a way that would warrant denial of the waivers and modifications. Staff recommends that the previously approved waivers and modifications be reaffirmed.

CONCLUSIONS

The applicant's request to increase the permitted amount of building-mounted sign area by 93.31 square feet would satisfy the applicable standards for granting such a waiver. The proposed sign would be located in a commercial district with similar uses, and assist the applicant's customers in conveniently, safely accessing the site.

STAFF RECOMMENDATION

Staff recommends approval of SE 2012-PR-007, subject to the proposed development conditions listed in Appendix 1.

Staff recommends approval of a reaffirmation of the waiver for frontage improvements and dedication of right-of-way along Leesburg Pike, in favor of that shown on the SE Plat.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the

property subject to this application.

APPENDICES

1. Proposed Development Conditions.
2. Affidavit dated August 13, 2012
3. Applicant's Statement of Justification
4. Zoning Administration Division Analysis
5. Special Exception Standards
6. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**SE 2012-PR-007****September 6, 2012**

If it is the intent of the Board of Supervisors to approve SE 2012-PR-007 located at 8113 Leesburg Pike, Tax Map 39-2 ((2)) 52, to permit a waiver of certain sign regulations, pursuant to Sect. 9-620 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Jared at Tysons Corner" prepared by Charles P. Johnson & Associates, Inc. and Ruggles Sign Company, which is dated April 8, 2011 and revised through August 2, 2012 and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The maximum amount of building-mounted sign area shall be 235.81 square feet. Future modifications to the signage depicted on the SE plat may occur without amendment to this SE provided the maximum sign area is not exceeded and the number of signs and sign locations are in substantial conformance with those shown on the SE plat.
5. Prior to the issuance of a sign permit for the proposed sign, the applicant shall demonstrate to the Zoning Administrator that all directional and freestanding signs comply with Article 12 of the Zoning Ordinance.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a sign permit for the building-mounted sign on the western facade. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVITDATE: August 13, 2012

(enter date affidavit is notarized)

I, Jeffrey E. LaBrier, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
 ☒ applicant's authorized agent listed in Par. 1(a) below

116139a

in Application No.(s): SE 2012-PR-007

(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS**, and **LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE**,** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE**: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Sterling Jewelers, Inc., dba Jared - The Galleria of Jewelry	375 Ghent Rd. Akron, OH 44333	Applicant / Ground Lessee
MFC II, LLC	80 Washington St., Suite C-16 Norwell, MA 02061	Title Owner / Lessor
A.R.K. Sign Services, Inc.	3622 East St. Hyattsville, MD 20785	Agent
Jeffrey E. LaBrier	3622 East St. Hyattsville, MD 20785	Agent
Michael P. McDowell	3622 East St. Hyattsville, MD 20785	Agent

(check if applicable)

☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 13, 2012
 (enter date affidavit is notarized)

116139a

for Application No. (s): SE 2012-PR-007
 (enter County-assigned application number(s))

- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Sterling Jewelers, Inc., dba Jared - The Galleria of Jewelry
 375 Ghent Rd.
 Akron, OH 44333

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☒ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

Page 1 of 1

DATE: August 13, 2012

(enter date affidavit is notarized)

for Application No. (s): SE 2012-PR-007

(enter County-assigned application number (s))

116139a

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

A.R.K. Sign Services, Inc.
3622 East St.
Hyattsville, MD 20785

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Jeffrey E. LaBrier
Kimberly J. LaBrier
Larry E. LaBrier
Lindsay L. Danner

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 13, 2012
(enter date affidavit is notarized)

11/6/39a

for Application No. (s): SE 2012-PR-007
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

Not Applicable

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Not Applicable

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 13, 2012
(enter date affidavit is notarized)

116139a

for Application No. (s): SE 2012-PR-007
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2012-PR-007

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL EXCEPTION AFFIDAVIT

DATE: August 13, 2012
(enter date affidavit is notarized)

116139a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

JEFFREY E. LABRIEL
(type or print first name, middle initial, last name, and & title of signer)

Subscribed and sworn to before me this 13th day of August, 2012, in the State/Comm. of Maryland, County/City of Montgomery

My commission expires: 7/27/14

[Signature]
Notary Public

APPENDIX 3

Special Exception Statement of Justification

RECEIVED
Department of Planning & Zoning
FEB 29 2012

Sterling Jewelers, Inc. dba Jared the Galleria of Jewelry is requesting a Special Exception approval for the addition of an illuminated sign on the Northwest elevation of their building.

Zoning Evaluation Division

Jared the Galleria of Jewelry is a national retailer in the business of selling jewelry. Their hours of operation are Monday through Saturday 10:00AM – 10:00pm and Sunday 12:00PM through 6:00pm. The estimated customer count is fifty (50) per day and the number of employees is twenty (20) per day through various shifts.

It is estimated that Jared customers will primarily access the store via auto and will only be expected during the normal business hours.

The Jared store will serve the Fairfax County area and be accessible for the tourists and visitors traveling to Tyson's Corner Center across the street.

The proposed new sign will be face lit channel letters constructed of aluminum and acrylic with internal LED lighting. The sign will have white faces with returns/sides painted Sherwin Williams # GF5-95955 Black Cherry to match the existing signs. "JARED" measures 34" in overall height by 11' 7 3/8" overall length. "The Galleria Of Jewelry" measures 10 1/4" in overall height by 16' 0" overall length. All wiring will be concealed.

Note that no hazardous or toxic substances are generated, utilized, stored, treated, and/or disposed of on site.

The Jared building is built in compliance with and positioned as per required setbacks of the zoning district. In addition, the building size and height and landscaping have been designed to be harmonious with the neighboring properties. As such, the addition of the sign will not impede nor hinder the development or use of adjacent or nearby land and/or buildings nor impair the value thereof. Rather, the sign will enhance the property making the community even more desirable and inviting.

Further, identification on the northwest elevation allows for improved safety for vehicular traffic by making the business recognizable for southeast bound traffic to make the decision to turn in advance of approaching the store. Currently there is no visibility from this direction so drivers have to come to a close proximity of the store to identify and find an entry point. This requires a quick reaction, potentially causing safety issues.

Sign regulations for the Commercial zoning district allow for one (1) eighty square foot freestanding sign and building-mounted signage up to one and one-half (1 1/2) square feet per linear foot of building frontage. The building frontage is $96.67' \times 1.5 = 145$ sq ft. of allowable building-mounted signage.

Existing signage on southeast elevation – 70.76 square feet (54.64 signage and 16.12 illuminated logo)

Existing signage on northeast elevation - 70.76 square feet (54.64 sign and 16.12 diamond logos)

Existing awning logos - 4 x 4 sq ft = 16 ft

Total square footage of existing signage = 141.52

A Special Exception is requested to allow for the addition of \downarrow square feet of signage.

70.24

* 54.24 for new sign

* 16 for the 4 awnings



27 June 2012

In Re.: SPECIAL EXCEPTION (SE 2012-PR-007)

8113 Leesburg Pike
Vienna, VA 22182

SUPPLEMENTAL CRITERIA
for
'Statement of Justification'

General Standards (Section 9-620)

Par. 1 The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. The proposed increase in signage is for building mounted signage, which is permitted by the Ordinance.

Par. 2 The proposed use shall be in compliance with the general purpose and intent of the applicable zoning district regulations for joining uses. The site currently experiences only partial visibility assisting customers traveling SE on Leesburg Pike; Additionally, the proposed use contains "corrective" ground parking-aid signs to cure (as well as better comply with zoning standards for ground/free-standing signage) the unusual customer confusion and frustration between the joining uses/parking.

Par. 3 The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties. The proposed uses will not adversely affect neighboring properties and will be harmonious with the surrounding/site-lines of commercial business (e.g. Fast Food, Bank, High-rise Offices, Parking Structures, etc.) and the other abutting and nearby uses and properties. As proposed, the development will not adversely impact the development or value of the adjacent properties.

Par. 4 The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. None of the proposed signage will directly face any residential or park uses or have any deleterious affect upon adjacent properties, and the propose use will be consistent with the purpose and intent of Article 12.

The above statements are true and correct facts pertaining to SE 2012-PR-007.

Submitted by ARK Sign Service, Inc. by:
(Michael P. McDowell, Acct. Manager)

A handwritten signature in dark ink, appearing to read 'Michael P. McDowell', is written over a horizontal line.

3622 East St. Hyattsville, MD 20785

301-384-1300 p
301-384-1304 f



County of Fairfax, Virginia

MEMORANDUM

June 5, 2012

To: Nicholas Rogers, Planner
Zoning Evaluation Division

From: Bruce Miller, Zoning/Property Maintenance Inspector
Zoning Inspections Branch

Subject: SE 2012-PR-007

RE: Jared At Tyson's Corner
8113 Leesburg Pike, Vienna, Virginia 22182
Legal Description: FREEDOM HILL FARM, PT LT 52
Tax Map Ref: 39-2 ((2)) 52
Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District

A zoning inspection was conducted on June 1, 2012, to perform a sign study with Nicholas Rogers, Planner, Zoning Evaluation Division, the is related to Special Exception SE 2012-PR-007. Photographs were taken and are attached.

Summary of findings:

There are four awning signs and two channel letter signs at this location. FIDO indicates approved sign Permit Applications as follows: SIGN PERMIT # 0010-7781-1158/1159/1160/1161. Mr. Rogers will verify the Sign Permits issued for the existing signs located on the building.

In addition there are twelve (12) freestanding on-site signs displaying text as follows: "Jared Parking Only" (with Diamond Logo) that are visible from another property. These signs are not permitted, unless the commercial copy and logo are removed.

There is one sign displaying the text "Jared Parking Only No Drive-thru," (with Diamond Logo). This sign may per allowed if it is determined that the property is not located within a shopping center and if a Sign Permit Application has been submitted, reviewed and approved for issuance.

The Jared Retail Store and the abutting McDonald's fast food restaurant with drive-through facilities share an ingress and egress easement. Therefore, a determination should be made as

Department of Planning and Zoning
Zoning Administration Division
Zoning Inspections Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508
Phone 703-324-4300 FAX 703-324-1343
www.fairfaxcounty.gov/dpz/



Jared At Tyson's Corner
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Tax Map Ref: 39-2 ((2)) 52
Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 2

to whether these two uses constitute a shopping center as set forth in Part 3 of Article 20 of the Zoning Ordinance as follows:

SHOPPING CENTER: Any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one (1) continuous commercial area. For the purpose of this Ordinance, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.

Jared At Tyson's Corner
8113 Leesburg Pike, Vienna, Virginia 22182
Legal Description: FREEDOM HILL FARM, PT LT 52
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Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 3



Jared At Tyson's Corner
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Legal Description: FREEDOM HILL FARM, PT LT 52
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Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 4



Rear elevation



Jared At Tyson's Corner
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Providence District
June 5, 2012
Page 5

Left side façade containing the measureable Building frontage with principal entrance used by the general public measured at approximately 96 linear feet.

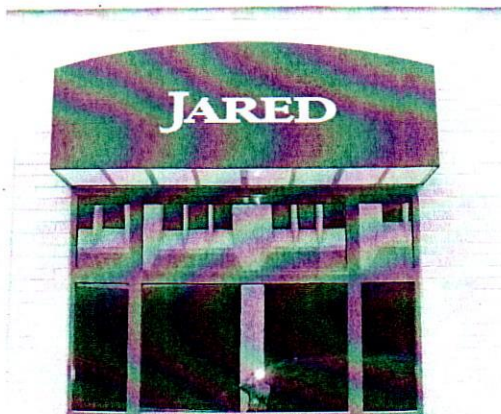


Leesburg Pike façade



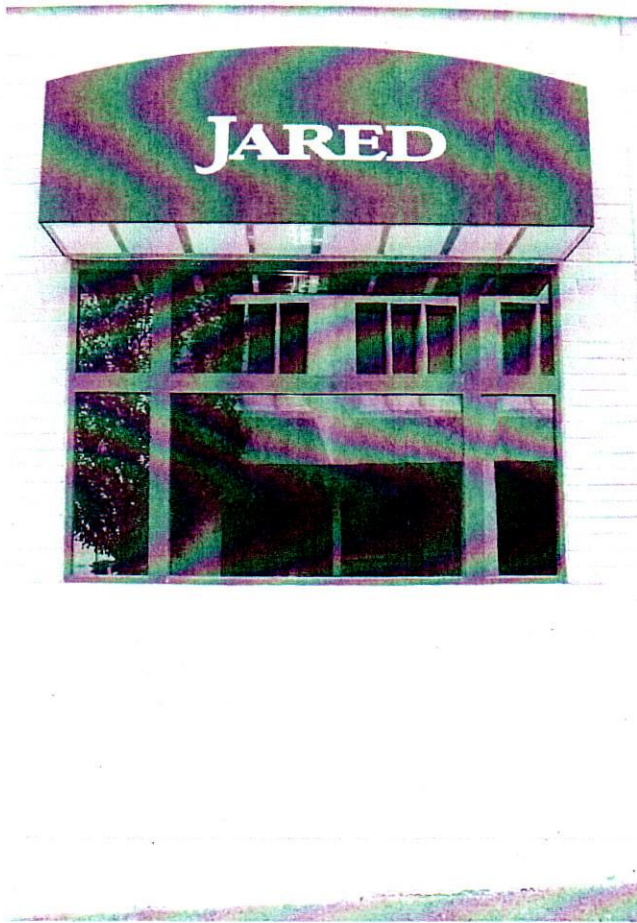
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Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 6

Right side façade of the building and the side that the additional sign that is the subject of this Special Exception application is proposed to be located.



Typical awning with sign

Jared At Tyson's Corner
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Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 7



Jared At Tyson's Corner
8113 Leesburg Pike, Vienna, Virginia 22182
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Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 8



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Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 9



Building street address number posted and visible.

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Tax Map Ref: 39-2 ((2)) 52
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Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 10



Freestanding sign that may be allowed subject to Sign Permit Application submission and approval and subject to a determination that this use and the use adjoining this use are not a shopping center.

Jared At Tyson's Corner
8113 Leesburg Pike, Vienna, Virginia 22182
Legal Description: FREEDOM HILL FARM, PT LT 52
Tax Map Ref: 39-2 ((2)) 52
Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 11



Jared At Tyson's Corner
8113 Leesburg Pike, Vienna, Virginia 22182
Legal Description: FREEDOM HILL FARM, PT LT 52
Tax Map Ref: 39-2 ((2)) 52
Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 12



Jared At Tyson's Corner
8113 Leesburg Pike, Vienna, Virginia 22182
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Tax Map Ref: 39-2 ((2)) 52
Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 13



06/01/2012

Jared At Tyson's Corner
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Zoning District: C-5
Overlay Districts: SC, H-C,
Providence District
June 5, 2012
Page 14



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Providence District
June 5, 2012
Page 15



9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-620 Waiver of Certain Sign Regulations

The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.
2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.
4. A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		